

REMARKS

The Official Action dated January 25, 2006 has been received and its contents carefully noted. In view thereof, claims 1-88 have been canceled in their entirety, without prejudice nor disclaimer of the subject matter set forth therein, in favor of new claims 89-109. Accordingly, claims 89-109 are presently pending in the instant application.

With reference now to the Official Action and particularly page 2 thereof, Applicants have thoroughly reviewed the Examiner's response to Applicants' previous arguments set forth in the response filed September 15, 2005 (although the Examiner states July 28, 2004) and has set forth new claims 89-109 taking into considering such comments. Accordingly, it is respectfully submitted that Applicants' claimed invention as now set forth in claims 89-109 now clearly distinguishes over the prior art of record and is in proper condition for allowance.

As the Examiner can see from the foregoing amendments, new claims 89-109 include new independent claims 89-100 and new dependent claims 101-109. Specifically, each of new independent claims 89, 92, 95 and 98 refer to a transmitter that transmits a transport stream including content data and instructions of data for changing reproduction control based upon a comparison of recording time information and reproduction time information with the recording time information being generated and recorded in a recording medium by the receiver when the receiver records the content data, while claims 90, 93, 96 and 99 recite similar devices with the transmitter transmitting a transport stream including content data and instructions of data for changing reproduction control based upon a comparison of recording place information and reproduction, place information with the recording place information being generated and recorded in a recording medium by a receiver when the receiver records the content data. Similarly, independent claims 91, 94, 97 and 100 set forth a transmitter that transmits a transport stream including content data and instructions of data for changing

reproduction control based upon a comparison of recording device information and reproduction device information with the recording device information being generated and recorded in a recording medium by the receiver when the receiver records the content data. As the Examiner notes in his response to Applicants' arguments, the particular features discussed in detail by the Applicants were not sufficiently set forth in the previous independent claims. Accordingly, with the foregoing amendments it is respectfully submitted that the limitations discussed previously as well as those discussed in detail hereinbelow are now positively set forth in each of independent claims 89-100 and clearly distinguish the present invention over that of the prior art.

With reference now to the page 3 of the Office Action, claims 19, 20, 62, 63 and 64 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0007493 issued to Butler et al. and claims 10, 59, 60, 61 and 84-88 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Butler et al. in view of U.S. Patent No. 5,931,908 issued to Gerber et al. Each of these rejections are respectfully traversed in that the patent publication to Butler et al. when taken alone or in view of the teachings of Gerber et al. clearly fail to disclose or remotely suggest that which is presently set forth by Applicants' claimed invention.

As noted hereinabove, each of independent claims 89, 92, 95 and 98 include limitations that the recording time information and reproduction time information are compared for changing reproduction control and the recording time information is generated and recorded in a recording medium by a receiver when the receiver records the content data. Further, claims 90, 93, 96 and 99 include limitations that the recording place information and reproduction place information are compared for changing reproduction control and the recording place information is generated and recorded in a recording medium by a receiver

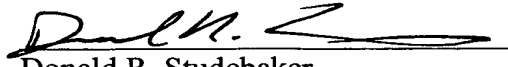
when the receiver records the content data. Still further, claims 91, 94, 97 and 100 recite that the recording device information and recording device information are compared for changing reproduction controls and that the recording device information is generated and recorded in a recording medium by a receiver when the receiver records content data. Again, these features are neither disclosed in nor suggested by the prior art of record.

Particularly, Butler et al. fails to disclose that recording time/play/device information is generated and recorded in a recording medium by a receiver when the receiver records content data. With respect to the teachings of Gerber et al., this reference merely discloses recording of composition data transmitted from a transmitter, however, this reference fails to disclose, teach or suggest recording of the time/play/device information generated by the receiver. Consequently, as noted hereinabove it is respectfully submitted that Applicants' claimed invention is neither disclosed in nor rendered obvious in view of the teachings of Butler et al. when taken or alone or in view of the teachings of Gerber et al. Accordingly, it is respectfully submitted that independent claims 89-100 clearly distinguish over the prior art of record and are in proper condition for allowance. Further, claims 101-109 which are directly dependent upon one of independent claims 89, 90 or 91 likewise distinguish over the prior art of record and are in condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 89-109 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


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